

NAME:

SPENCER BOWENS

ADDRESS: Reg. No. 49775-053  
 USP-Lewisburg  
 P.O. Box 1000  
 Lewisburg, PA. 17837-1000

or PLACE OF CONFINEMENT &amp; PRISON NUMBER

Note: If represented by an attorney, his name, address &  
 telephone number

Note: It is your responsibility to notify the Clerk of the  
 Court, in writing of any change of address

## United States District Court

SPENCER BOWENS

FULL NAME: (Include name under which you were convicted)  
 Petitioner,

vs.

UNITED STATES OF AMERICA

NAME OF WARDEN (or other authorized person having custody  
 of petitioner)

Respondent.

CASE NO:

10-1575

(To be supplied by the clerk of  
 the United States District Court)

PETITION FOR WRIT OF HABEAS CORPUS  
 BY A PERSON IN FEDERAL CUSTODY  
 28 U.S.C. § 2241

### INSTRUCTIONS - READ CAREFULLY

This petition shall be legibly handwritten or typewritten, signed by the petitioner, under penalty of perjury. You must set forth *CONCISELY* the answer to each question in the proper space on the form. Any false statement of a material fact may serve as the basis for prosecution and conviction for perjury.

You must not attach separate pages to this except that *ONE* separate additional page is permitted in answering Question No. 9.

PETITION FOR WRIT OF HABEAS CORPUS BY A PERSON IN FEDERAL CUSTODY

Upon receipt of a fee of \$5.00, your petition will be filed if it is in proper order.

If you are seeking leave to proceed in forma pauperis (without paying the \$5.00 fee and other court costs), then you must also execute the declaration on the last page, setting forth information which establishes your inability to pay the fees and cost of the proceedings or to give security therefor. If you wish to proceed in forma pauperis, you must have an authorized officer at the penal institution complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution. If your prison account exceeds \$25.00, you must pay the filing fee as required by the rule of the district court.

When the petition is completed, the *original and two copies* must be mailed to the Clerk of the United States District Court for the

Only one sentence, conviction or parole matter may be challenged in a single petition. If you challenge more than one, you must do so by separate petitions.

Petitions which do not conform to these instructions will be returned with a notation as to the deficiency.

PLEASE COMPLETE THE FOLLOWING: (check appropriate number)

This petition concerns:

1. ☐ a conviction
2. ☐ a sentence
3. ☐ jail or prison conditions
4. ☐ prison discipline
5. ☐ a parole problem
6. ☒ other: **Execution of Sentence**

## PETITION

1. Place of confinement USP-Lewisburg, Pennsylvania
2. Name and location of court which imposed sentence Eastern District of Virginia  
(Richmond Division)
3. The indictment number or numbers (if known) upon which, and the offense or offenses for which, sentence was imposed:
  - (a) Indictment No. 3:98-Cr-110; Conspiracy to possess a controlled
  - (b) Substance, 21 U.S.C. § 846; and Obstruction of Justice , 18 U.S.C.
  - (c) § 1503.
4. The date upon which sentence was imposed and the terms of the sentence:
  - (a) January 8, 1999
  - (b) \_\_\_\_\_
  - (c) \_\_\_\_\_
5. Check whether a finding of guilt was made:
  - (a) ☐ After a plea of guilty
  - (b) ☒ After a plea of not guilty
  - (c) ☐ After a plea of nolo contendere
6. If you were found guilty after a plea of not guilty, check whether that finding was made by:
  - (a) ☒ a jury
  - (b) ☐ a judge without jury
7. Did you appeal from the judgment of conviction or the imposition of sentence?
 

☒ Yes      ☐ No
8. If you did appeal, give the following information for each appeal:
  - (a)(1) Name of Court UNITED STATES COURT OF APPEALS FOURTH CIRCUIT
  - (2) Result Appeal denied in part and vacated in part.
  - (3) Date of Result August 18, 2000.
  - (4) Citation or number of opinion 224 F. 3d 302

FILED  
SCRANTON

JUL 29 2010

PER   
DEPUTY CLERK

PETITION FOR WRIT OF HABEAS CORPUS BY A PERSON IN FEDERAL CUSTODY

(5) Grounds Raised (*list each*) \_\_\_\_\_(A) Court refused instruction on multiple conspiracies(B) Conviction for harboring must be reversed(C) Court failed to give special interrogatories to jury

(D) \_\_\_\_\_

(b)(1) Name of Court N/A

(2) Result \_\_\_\_\_

(3) Date of result \_\_\_\_\_

(4) Citation or number opinion \_\_\_\_\_

(5) Grounds raised (*list each*)

(A) \_\_\_\_\_

(B) \_\_\_\_\_

(C) \_\_\_\_\_

(D) \_\_\_\_\_

CAUTION: If you are attacking a sentence imposed under a federal judgment, you must first file a direct appeal or motion under 28 U.S.C. § 2255 in the federal court which entered judgment.

9. State *CONCISELY* every ground on which you claim that you are being held unlawfully. Summarize *briefly* the *facts* supporting each ground. If necessary, attach a SINGLE page only behind this page.

CAUTION: If you fail to set forth all grounds in this petition, you may be barred from presenting additional ground at a later date.

(a) Ground One See Memorandum of law attached hereto.

Supporting *FACTS* (tell your story *BRIEFLY* without citing cases or law).

CAUTION: You must state *facts not conclusions* in support of your grounds. A rule of thumb to follow is - who did exactly what to violate your rights at what time or place.

See Memorandum of law attached hereto.

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(b) Ground Two N/A

Supporting *FACTS* (Tell your story *BRIEFLY* without citing cases or law).

N/A

(c) Ground Three N/A

Supporting *FACTS* (Tell your story *BRIEFLY* without citing cases or law).

N/A

(d) Ground Four' N/A

Supporting *FACTS* (Tell your story *BRIEFLY* without citing cases or law).

N/A

PETITION FOR WRIT OF HABEAS CORPUS BY A PERSON IN FEDERAL CUSTODY

10. Have you ever filed previous petitions for habeas corpus, motions under Section 2255 of Title 28, United States Code, or any other applications, petitions or motions with respect to this conviction?  
☒ Yes ☐ No

11. If your answer to Question No. 10 was yes, give the following information:

(a)(1) Name of Court Eastern District of Virginia (Richmond Division)

(2) Nature of proceedings 28 U.S.C. § 2255

(3) Grounds raised Sentence and conviction unconstitutional.

(4) Result denied.

(5) Date of Result February 14, 2003.

(6) Citation or numbers of any written opinions or orders entered pursuant to each disposition.

No. 02-cv-211-3

(b)(1) Name of Court N/A

(2) Nature of proceedings \_\_\_\_\_

(3) Grounds raised \_\_\_\_\_

(4) Result \_\_\_\_\_

(5) Date of Result \_\_\_\_\_

(6) Citation or numbers of any written opinions or orders entered pursuant to each disposition.

12. If you did not file a motion under Section 2255 of Title 28, United States Code, or if you filed such a motion and it was denied, state why your remedy by way of such motion is inadequate or ineffective to test the legality of your detention.

Here Bowens seeks to challenge the execution of his sentence.

13. Are you presently represented by counsel? ☐ Yes ☒ No

If so, name, address and telephone number N/A

Case name and court N/A

14. If you are seeking leave to proceed in *forma pauperis*, have you completed the declaration setting forth the required information?

☐ Yes ☒ No,

WHEREFORE, petitioner prays that the court grant petitioner relief to which he may be entitled in this proceeding.

\_\_\_\_\_  
*Signature of Attorney (if any)*

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on

JULY 26 / 2010  
(date)

Spencer Bowen  
*Signature of Petitioner*

PETITION FOR WRIT OF HABEAS CORPUS BY A PERSON IN FEDERAL CUSTODY

Inmate Name: Spencer, Bowens  
Register Number: 49775-053  
United States Penitentiary  
PO Box 1000  
Lewisburg, PA 17837

MAC  
7-27-10

RECEIVED  
SCRANTON

JUL 28 2010

MARY E. DIANDREA, CLERK  
Deputy CLERK

Clerk of the Court  
U.S. Courthouse  
Middle District of Pennsylvania  
P.O. Box 1148  
235 N. Washington Ave.  
Scranton, Pa. 18501-1148

*Pro  
file  
agreed*



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